IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24082 of 2004

Between:

K. Raji Reddy, S/o. Gopal Reddy, aged 38 years,

OCC: Agriculture, R/o. Katrapally village, Sangam Mandal,

Warangal District.

... PETITIONER

AND

1. The District Collector, Warangal.
2. The Executive Engineer, Panchayat Raj Dept.,

   Subedari, Hanamkonda, Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in closing the out-lets upon a Bund known as Gangammakunta while laying down the Road and in not paying the compensation for the loss sustained by the petitioner as illegal, improper null and void and consequently direct the respondents to reopen the out-lets upon the Bund known as Gangammakunta of Katrapally (Haveli) Village, Sangam Mandal, Warangal District and direct the respondents to pay the compensation of Rs.2,20,000-00 to the petitioner as per the reports submitted by the officials and

pass such other or further orders as this Hon'ble Court may deem fit proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.YESHWANTH KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus in declaring the action of the respondents, in closing the out-lets upon a Bund known as Gangammakunta while laying down the road and in not paying compensation for the loss sustained by the petitioner as arbitrary and illegal and direct the respondents to pay the compensation to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Petitioner claims to be the owner and possessor of agricultural lands admeasuring Ac.6.13 guntas in Sy.Nos.368, 669 and 30 of Katrapally (Haveli) village, which are quite adjacent and abutting a road leading from Kapula kanaparty to Sangam via Katrapally (Haveli). It is the case of the petitioner that, in the year 1998-99, second respondent, with the funds of World Bank, laid a B.T. Road upon the Bund of a pond known as Gangammakunta. It is alleged that the second respondent, negligently laid the road by closing the outlets with earth, and filled the outlets strongly, which resulted in stoppage of rainwater, flowing out from the said outlets. It is stated that, petitioner, along with some others raised an objection before the respondents and requested them to observe the outlets as usual, existing previously, but, the respondents refused to observe the same and laid the road, which resulted in stagnation of the rainwater. It is further stated that petitioner dug a well in Sy.No.368 of about 40 Ft. deep and has erected a borewell for harvesting the crop. It is alleged that due to the closure of the said outlets, the stagnated water completely damaged the petitioner's motor and that he had incurred a total loss of

Rs.2,20,000/-. According to the petitioner, he made several representations to the respondents requesting them to pay damages to him and requested to observe the outlets as usual. When no action had been taken by the respondents, petitioner said to have issued a legal notice dated 22-04-2000 seeking compensation of Rs.2,20,000/-, but so, far no action whatsoever has been taken.

4. It is further the case of the petitioner that the then Nodal Officer visited the said lands and intimated the first respondent to take necessary action, vide his report dated
10-10-2000. On 20-08-2004, petitioner again said to have made a representation to the first respondent – District Collector requesting him to pay compensation and to direct the Panchayat Raj officials to observe and open the sluices / outlets, but the first respondent neither took any action against the second respondent, nor paid the damages.

5. Inasmuch as the representation made by the petitioner dated 20-08-2004 is pending before the first respondent – District Collector, I deem it appropriate to dispose of the writ petition with the following direction.

6. The first respondent – District Collector is hereby directed to consider the representation of the petitioner dated 20-08-2004 and pass appropriate orders thereon, expeditiously, in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 23, 2004

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The District Collector, Warangal.
2. The Executive Engineer, Panchayat Raj Dept.,

Subedari, Hanamkonda, Warangal District.

3. Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

4. Two C.D. Copies.

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